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19 IN THE UNITED STATES DISTRICT COURT
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21 FOR THE NORTHERN DISTRICT OF CALIFORNIA
22
23 SAN FRANCISCO DIVISION

24 **LAMONT STERLING JOHNSON,**

25 Petitioner,

26 v.

27 **ROBERT HOREL, Warden,**

28 Respondent.

29 C 07-4483 PJH (PR)

30 **DECLARATION OF COUNSEL IN
31 SUPPORT OF APPLICATION FOR
32 EXTENSION OF TIME TO FILE
33 ANSWER TO PETITION FOR
34 WRIT OF HABEAS CORPUS**

35 SHARON G. BIRENBAUM declares under penalty of perjury as follows:

36 1. I am a Deputy Attorney General for the State of California and am responsible for the
37 preparation and filing of an answer to the Petition for Writ of Habeas Corpus.

38 2. On May 29, 2008, this Court filed the Order to Show Cause, which requires respondent
39 to file an answer and relevant trial transcripts within 60 days.

40 3. Petitioner was convicted of special circumstance first degree murder and robbery. He
41 was sentenced to a four year determinate term for robbery, with a consecutive term of life without
42 possibility of parole for the special circumstance murder.

43 4. Respondent has received one 60-day time extension. The answer is now due on
44 September 26, 2008.

1 5. Since receiving the extension of time, I have filed respondent's briefs in *People v.*
2 *Gomez*, H031770, *People v. Walton*, A117488, *People v. Mitchell*, A117489, and *People v. Sifuentiz*,
3 H032440. The defendants in these cases filed their opening briefs before this court issued its order
4 to show cause. I filed points and authorities in opposition to petition for writ of mandate/prohibition
5 in *Garcia v. Superior Court*, H033111. I also prepared for oral argument in the state Court of
6 Appeal in *People v. Monteverde*, H031351, which was heard on August 14.

7 6. Before I can turn my attention to the instant case, I must complete and file an answer
8 to petition for writ of habeas corpus in the state Court of Appeal in *In re Chandler*, A120431, a
9 murder and attempted murder case in which petitioner raises numerous issues in a 95 page petition
10 which is to be heard in conjunction with her direct appeal, and appellee's brief in the Ninth Circuit
11 Court of Appeals in *Morales v. Campbell*, No. 08-16294.

12 7. Petitioner raises 14 issues. The record is voluminous, consisting of 24,727 pages of
13 clerk's and reporter's transcript. It will therefore take a substantial amount of time to review and
14 answer the petition, and prepare the relevant record.

15 8. I have not contacted petitioner. He is representing himself and is currently incarcerated
16 in state prison.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed at San
18 Francisco, California, on September 15, 2008.

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/s/ Sharon G. Birenbaum
SHARON G. BIRENBAUM
Deputy Attorney General

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